

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 83, “Teacher and Administrator Quality Programs,” Iowa Administrative Code.

Chapter 83 implements teacher and school administrator quality programs. These proposed amendments conform to 2017 Iowa Acts, House File 642, which amends Iowa Code sections 284.1, 284.4, and 284.5 to make the beginning teacher mentoring and induction program under those Iowa Code sections voluntary for school districts and to allow school districts to utilize the provisions of the teacher leadership and compensation framework specified in Iowa Code sections 284.15 through 284.17 as a means of providing beginning teacher mentoring and induction. These proposed amendments also reflect the changes that 2017 Iowa Acts, House File 291, makes to Iowa Code chapter 20, which relates to collective bargaining. A more detailed explanation of these amendments follows:

Item 1 amends the purpose statement of Chapter 83 to provide that the statute now expands the choices available to districts to provide mentoring to beginning teachers, not necessarily the mentoring and induction program required by prior law.

Item 2 revises the definition of “beginning teacher” to account for an additional pathway for converting an initial license to a standard license.

Item 3 restructures current rule 281—83.3(284) into two subrules. Proposed subrule 83.3(1) makes clear that the beginning teacher mentoring and induction program previously required by current law is now one of two options. Proposed subrule 83.3(2) describes the second option available to school districts for providing mentoring to beginning teachers. This second option is based on the teacher leadership and compensation framework contained in Iowa Code sections 284.15 through 284.17.

Items 4 through 6 and 8 make changes required by 2017 Iowa Acts, House File 291, which, as part of changes to public employee collective bargaining under Iowa Code chapter 20, makes changes to Iowa Code chapter 284.

Item 7 updates paragraph 83.6(1)“e,” regarding professional development for teachers, to account for the new option for mentoring beginning teachers.

Interested individuals may make written comments on the proposed amendments on or before September 19, 2017, at 4:30 p.m. Comments on the proposed amendments should be directed to Phil Wise, Administrative Rules Co-Coordinator, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-4835; e-mail phil.wise@iowa.gov; or fax (515)242-5988.

A public hearing will be held on September 19, 2017, from 10 to 11 a.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Education and advise of specific needs by calling (515)281-5295.

An agencywide waiver provision is provided in 281—Chapter 4.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement 2017 Iowa Acts, House File 642, sections 32, 33 and 34, and House File 291.

The following amendments are proposed.

ITEM 1. Amend rule 281—83.1(284,284A), introductory paragraph, as follows:

281—83.1(284,284A) Purposes. The goal of the teacher quality program is to enhance the learning, achievement, and performance of all students through the recruitment, support, and retention of quality Iowa teachers. The program shall contain specific strategies that include a mentoring and induction program for beginning teachers as described in rule 281—83.3(284), either in subrule 83.3(1) or 83.3(2), teacher evaluations, and district and building support for professional development that includes best practice aimed at increasing student achievement.

ITEM 2. Amend rule **281—83.2(284,284A)**, definition of “Beginning teacher,” as follows:

“*Beginning teacher*” means an individual serving under an initial, Class A, exchange, or intern license, issued by the board of educational examiners under Iowa Code chapter 272, who is assuming a position as a teacher. For purposes of the beginning teacher mentoring and induction program created pursuant to Iowa Code section 284.5 or in an approved career paths, leadership roles, and compensation framework or approved comparable system as provided in Iowa Code section 284.15, “beginning teacher” also includes preschool teachers who are licensed by the board of educational examiners under Iowa Code chapter 272 and are employed by a school district or area education agency.

ITEM 3. Amend rule 281—83.3(284) as follows:

281—83.3(284) Mentoring and induction program for beginning teachers.

83.3(1) Option one: *beginning teacher mentoring and induction program.*

83.3(1) a. Purpose. The beginning teacher mentoring and induction program is created to promote excellence in teaching, enhance student achievement, build a supportive environment within school districts and area education agencies, increase the retention of promising beginning teachers, and promote the personal and professional well-being of teachers. Completion of a beginning teacher mentoring and induction program is one manner in which a beginning teacher may meet the requirement of Iowa Code section 272.28(1).

83.3(2) b. Participation. ~~All school~~ School districts and area education agencies ~~shall~~ may provide a beginning teacher mentoring and induction program for all beginning teachers. A beginning teacher, as defined in this chapter, shall be informed by the school district or area education agency, prior to the beginning teacher’s participation in a mentoring and induction program, of the Iowa teaching standards and criteria upon which the beginning teacher shall be evaluated and of the evaluation process utilized by the school district or area education agency. The beginning teacher shall be comprehensively evaluated by the end of the beginning teacher’s second year of teaching to determine whether the teacher meets expectations to move to the career level. The school district or area education agency shall recommend for a standard license a beginning teacher who has successfully met the Iowa teaching standards as determined by a comprehensive evaluation.

(1) If a beginning teacher who is participating in a mentoring and induction program leaves the employ of a school district or area education agency prior to completion of the program, the school district or area education agency subsequently hiring the beginning teacher shall credit the beginning teacher with the time earned in a program prior to the subsequent hiring. If the general assembly appropriates moneys for purposes of Iowa Code section 284.5, a school district or area education agency is eligible to receive state assistance for up to two years for each beginning teacher the school district or area education agency employs who was formerly employed in an accredited nonpublic school or in another state as a first-year teacher. The school district or area education agency employing the teacher shall determine the conditions and requirements of a teacher participating in a mentoring and induction program.

(2) A school district or area education agency may offer a teacher a third year of participation in the program if, after conducting a comprehensive evaluation, the school district or area education agency determines that the teacher is likely to successfully complete the mentoring and induction program by meeting the Iowa teaching standards by the end of the third year of eligibility. The third year of eligibility is offered at the employing district’s or area education agency’s expense. A teacher granted a third year of eligibility shall, in cooperation with the teacher’s evaluator, develop a plan to meet the Iowa teaching

standards and district or area education agency career expectations. This plan will be implemented by the teacher and supported through the district's or area education agency's mentoring and induction program. The school district or area education agency shall notify the board of educational examiners that the teacher will participate in a third year of the school district's program. The teacher shall undergo a comprehensive evaluation at the end of the third year.

(3) For purposes of comprehensive evaluations for beginning teachers, including the comprehensive evaluation required for the beginning teacher to progress to career teacher, the Iowa teaching standards and criteria shall be as described in rule 281—83.4(284). A school district or area education agency shall participate in state program evaluations.

~~83.3(3)~~ c. *Plan.* Each school district or area education agency that offers a beginning teacher mentoring and induction program shall develop a sequential two-year beginning teacher mentoring and induction plan based on the Iowa teaching standards. The plan shall be included in the school district's comprehensive school improvement plan submitted pursuant to Iowa Code section 256.7, subsection 21. A school district or area education agency shall have the board adopt a beginning teacher mentoring and induction program plan and written procedures for the program. At the board's discretion, the district or area education agency may choose to use or revise the model plan provided by the area education agency or develop a plan locally. The components of a district's or area education agency's beginning teacher mentoring and induction program shall include, but are not limited to, the following:

- ~~a.~~ (1) Goals for the program.
- ~~b.~~ (2) A process for the selection of mentors.
- ~~c.~~ (3) A mentor training process which shall:
 - (1) 1. Be consistent with effective staff development practices and adult professional needs to include skills needed for teaching, demonstration, and coaching.
 - (2) 2. Address mentor needs, indicating a clear understanding of the role of the mentor.
 - (3) 3. Result in the mentor's understanding of the personal and professional needs of new teachers.
 - (4) 4. Provide the mentor with an understanding of the district expectations for beginning teacher competencies based on the Iowa teaching standards.
 - (5) 5. Facilitate the mentor's ability to provide guidance and support to new teachers.
- ~~d.~~ (4) A supportive organizational structure for beginning teachers which shall include:
 - (1) 1. Activities that provide access and opportunities for interaction between mentor and beginning teacher that at a minimum provide:
 - 1. • Released time for mentors and beginning teachers to plan;
 - 2. • The demonstration of classroom practices;
 - 3. • The observation of teaching; and
 - 4. • Feedback.
 - (2) 2. ~~Selection~~ A selection process for who will be in the mentor/beginning teacher partnership.
 - (3) 3. Roles and responsibilities of the mentor.
 - ~~e.~~ (5) ~~Evaluation~~ An evaluation process for the program, which shall include:
 - (1) 1. An evaluation of the district and area education agency program goals,
 - (2) 2. An evaluation process that provides for the minor and major program revisions, and
 - (3) 3. A process for how information about the program will be provided to interested stakeholders.
 - ~~f.~~ (6) The process for dissolving mentor and beginning teacher partnerships.
 - ~~g.~~ (7) A plan that reflects the needs of the beginning teacher employed by the district or area education agency.
 - ~~h.~~ (8) Activities designed to support beginning teachers by:
 - (1) 1. Developing and enhancing competencies for the Iowa teaching standards, and
 - (2) 2. Providing research-based instructional strategies.

~~83.3(4)~~ d. *Budget.* Funds, if appropriated by the general assembly, received by a school district or area education agency from the beginning teacher mentoring and induction program shall be used for any or all of the following purposes:

~~a.~~ (1) To pay mentors as they implement the plan. A mentor in a beginning teacher induction program approved under this chapter shall be eligible for an award of \$500 per semester for full participation in the program. A district or area education agency may use local dollars to increase the mentor award.

~~b.~~ (2) To pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system for a pension and annuity retirement system established under Iowa Code chapter 294 for such amounts paid by the district or area education agency.

These funds are miscellaneous funds or are considered encumbered. A school district or area education agency shall maintain a separate listing within its budget for payments received and expenditures made for this program. Funds that remain unencumbered or unobligated at the end of the fiscal year will not revert, but will remain available for expenditure for the purposes of the program until the close of the succeeding fiscal year.

83.3(2) Option two: teacher leadership and compensation system.

a. Purpose. One purpose of Iowa's teacher leadership and compensation system is to attract able and promising new teachers by offering short-term and long-term professional development and leadership opportunities. Two years of successful teaching experience in a school district with an approved career paths, leadership roles, and compensation framework or approved comparable system as provided in Iowa Code section 284.15 ("framework for beginning teachers" for purposes of this rule) is one manner in which a beginning teacher may meet the requirement of Iowa Code section 272.28(1).

b. Participation. School districts may provide an approved career paths, leadership roles, and compensation framework or approved comparable system as provided in Iowa Code section 284.15. A beginning teacher, as defined in this chapter, shall be informed by the school district, prior to the beginning teacher's participation in a framework for beginning teachers, of the Iowa teaching standards and criteria upon which the beginning teacher shall be evaluated and of the evaluation process utilized by the school district. The beginning teacher shall be comprehensively evaluated by the end of the beginning teacher's second year of teaching to determine whether the teacher meets expectations to move to the career level. The school district shall recommend for a standard license a beginning teacher who has successfully met the Iowa teaching standards as determined by a comprehensive evaluation.

(1) If a beginning teacher who is participating in a framework for beginning teachers leaves the employ of a school district prior to completion of the framework, the school district or area education agency subsequently hiring the beginning teacher shall credit the beginning teacher with the time earned in such a framework prior to the subsequent hiring.

(2) A school district may offer a teacher a third year of participation in a framework for beginning teachers if, after conducting a comprehensive evaluation, the school district determines that the teacher is likely to successfully meet the Iowa teaching standards by the end of the third year of eligibility. The third year of eligibility is offered at the employing district's expense. A teacher granted a third year of eligibility shall, in cooperation with the teacher's evaluator, develop a plan to meet the Iowa teaching standards and district or area education agency career expectations. This plan will be implemented by the teacher and supported through the district's framework for beginning teachers. The school district shall notify the board of educational examiners that the teacher will participate in a third year of the school district's framework for beginning teachers. The teacher shall undergo a comprehensive evaluation at the end of the third year.

(3) For purposes of comprehensive evaluations for beginning teachers, including the comprehensive evaluation required for the beginning teacher to progress to career teacher, the Iowa teaching standards and criteria shall be as described in rule 281—83.4(284). A school district shall participate in state program evaluations.

c. Plan assurances. Each school district that offers a framework under Iowa Code sections 284.15 through 284.17 and uses it for purposes of meeting the school district's obligations to beginning teachers shall provide assurances to the department that the district's framework for beginning teachers meets the requirements of those Iowa Code sections and attends to the Iowa teaching standards and criteria described in rule 281—83.4(284).

d. Inapplicability to area education agencies. This subrule and the option created by it are not available to area education agencies. Only subrule 83.3(1) is available to area education agencies; however, a teacher employed by an area education agency may be included in a framework or comparable system established by a school district if the area education agency and the school district enter into a contract for such purpose.

ITEM 4. Amend subrule 83.4(9) as follows:

83.4(9) The school board shall provide comprehensive evaluations for beginning teachers using the Iowa teaching standards and criteria listed in rule 281—83.4(284). The school board, for the purposes of performance reviews for teachers other than beginning teachers, shall provide evaluations that contain, at a minimum, the Iowa teaching standards and criteria listed in rule 281—83.4(284). ~~A local school board and its certified bargaining representative may negotiate, pursuant to Iowa Code chapter 20, additional teaching standards and criteria for use in a performance review. In any school district or area education agency where there is no certified bargaining unit, additional standards and criteria may be determined by the board.~~

ITEM 5. Amend paragraph **83.5(3)“e”** as follows:

e. Provisions for an intensive assistance program as provided in Iowa Code section 284.8 that addresses the remediation defined under subrules 83.4(1) through 83.4(8) ~~or any other standards or criteria established by a collective bargaining agreement.~~

~~(1) A local school board and its certified bargaining representative shall negotiate, pursuant to Iowa Code chapter 20, evaluation and grievance procedures for beginning teachers and for teachers other than beginning teachers that are not in conflict with Iowa Code chapter 284. If a supervisor or an evaluator determines, at any time, as a result of a teacher’s performance that the teacher is not meeting district expectations under subrules 83.4(1) through 83.4(8) or any other standards or criteria established in the collective bargaining agreement, the evaluator shall, at the direction of the teacher’s supervisor, recommend to the district that the teacher participate in an intensive assistance program. The intensive assistance program and its implementation are not subject to negotiation or grievance procedures established pursuant to Iowa Code chapter 20 as amended by 2017 Iowa Acts, House File 291.~~

~~(2) A teacher who is not meeting the applicable standards and criteria based on a determination made pursuant to paragraph 83.5(3) “e” shall participate in an intensive assistance program. However, a teacher who has previously participated in an intensive assistance program relating to particular Iowa teaching standards or criteria shall not be entitled to participate in another intensive assistance program relating to the same standards or criteria and shall be subject to the provisions of paragraph 83.5(3) “f.”~~

ITEM 6. Adopt the following **new** paragraph **83.5(3)“f”**:

f. Following a teacher’s participation in an intensive assistance program, the teacher shall be reevaluated to determine whether the teacher successfully completed the intensive assistance program and is meeting district expectations under the applicable Iowa teaching standards or criteria. If the teacher did not successfully complete the intensive assistance program or continues not to meet the applicable Iowa teaching standards or criteria, the board may do any of the following:

(1) Terminate the teacher’s contract immediately pursuant to Iowa Code section 279.27 as amended by 2017 Iowa Acts, House File 291.

(2) Terminate the teacher’s contract at the end of the school year pursuant to Iowa Code section 279.15 as amended by 2017 Iowa Acts, House File 291.

(3) Continue the teacher’s contract for a period not to exceed one year. However, the contract shall not be renewed and shall not be subject to Iowa Code section 279.15 as amended by 2017 Iowa Acts, House File 291.

ITEM 7. Amend paragraph **83.6(1)“e”** as follows:

e. Beginning teacher mentoring and induction. ~~The~~ A school district shall develop and implement a beginning teacher mentoring and induction plan as outlined in subrule 83.3(3) ~~83.3(1)~~ or a framework for beginning teachers as outlined in subrule 83.3(2). ~~The district~~ district’s beginning teacher mentoring

~~and induction plan or framework for beginning teachers shall be included in the comprehensive school improvement plan submitted pursuant to Iowa Code section 256.7(21) “a” and shall align with the district professional development plan described in paragraph 83.6(1) “b.”~~ An area education agency shall develop and implement a beginning teacher mentoring and induction plan as outlined in subrule 83.3(1), which shall align with the area education agency’s professional development plan described in paragraph 83.6(1) “b.”

ITEM 8. Amend rule 281—83.7(284) as follows:

281—83.7(284) Teacher quality committees. Each school district and area education agency shall create a teacher quality committee pursuant to 2007 Iowa Code Supplement section 284.4. The committee is subject to the requirements of the Iowa open meetings law (Iowa Code chapter 21). To the extent possible, committee membership shall have balanced representation with regard to gender. The committee shall do all of the following:

1. Monitor the implementation of the requirements of statutes and administrative code provisions relating to this chapter, including requirements that affect any agreement negotiated pursuant to Iowa Code chapter 20 as amended by 2017 Iowa Acts, House File 291.

2. Monitor the evaluation requirements of this chapter to ensure evaluations are conducted in a fair and consistent manner throughout the school district or agency. ~~In addition to any negotiated evaluation procedures,~~ The committee shall develop model evidence for the Iowa teaching standards and criteria. The model evidence will minimize paperwork and focus on teacher improvement. The model evidence will determine which standards and criteria can be met through observation and which evidence meets multiple standards and criteria.

3. Determine, following the adoption of the Iowa professional development model by the state board of education, the use and distribution of the professional development funds distributed to the school district or agency as provided in 2007 Iowa Code Supplement section 284.13, subsection 1, paragraph “d,” based upon school district or agency, attendance center, and individual teacher professional development plans.

4. Monitor the professional development in each attendance center to ensure that the professional development meets school district or agency, attendance center, and individual teacher professional development plans.

5. ~~Ensure the agreement negotiated pursuant to Iowa Code chapter 20 determines~~ Determine the compensation for teachers on the committee for work responsibilities required beyond the normal workday.

6. Make recommendations to the school board and the certified bargaining representative regarding the expenditures of market factor incentives.